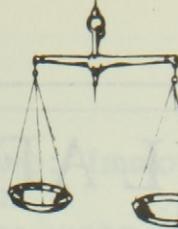


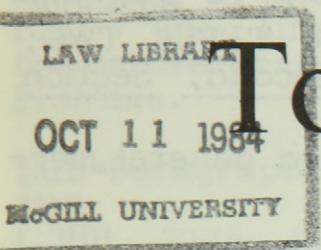
Quid Novi



VOL. V NO. 5

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

October 10, 1984
10 octobre, 1984



by Eric Rohr

A major concern of the legal profession is that the sharp increase in the numbers of people practising law has led to a decline in the quality of legal services. The number of claims made against the Law Society of Upper Canada's Errors and Omissions Insurance Fund has increased dramatically in recent years. In the five-year period from 1977 to 1982, the number of claims paid and reserved under the Society insurance plan rose from 569 per year to 1,374 per year. In the same period, the number of practising lawyers in Ontario increased from 9,009 to 11,142.

More recently, in the first three months of 1984, nine lawyers in Ontario have been disciplined for misappropriation of their clients' funds, compared with eleven in the whole of 1983. The Law Society of Upper Canada found itself with only \$8 million in its compensation accounts to cover \$26 million worth of claims by victims. Although no direct relationship has been established between the number of practising lawyers and the high rate of misappropriations, it is evident that heightened competitive pressures within the profession is a salient factor relating to the decline in the quality of legal services.

In competing for the

Too Many Lawyers ?

Part Two

amount of work available, some lawyers are forced to reduce their fees to the point where the quality of the service they provide cannot be maintained, and this decline in the quality of service has contributed to the increase in the number of negligence claims. In addition, it is evident that a lawyer with too few clients might tend to file frivolous suits or to engage in protracted legal manoeuvres in order to generate larger fees.

A third factor that reinforces the perception within the legal profession that there is a surplus of lawyers concerns the increased use of marketing techniques to attract clients. More lawyers than ever are turning to aggressive business practices to promote their services, despite the reluctance of law societies to permit many of these techniques.

One Montreal law firm is
Cont'd on p. 6

Le rôle de la langue française

Le Comité du rôle de la langue française de l'Association des étudiant(e)s en droit se compose cette année de six membres (Lori Weitzman, Valérie Téroux, Nathalie Olercure, Yves Ménard, Nicholas Kasirer, Hélène Blackburn), qui, lors d'une première réunion, se sont fixés trois objectifs visant à la promotion du bilinguisme au sein de la faculté durant la prochaine année.

Cet article a pour but de vous faire connaître ces différents objectifs et de vous inciter à venir nous faire part de vos réactions face à ceux-ci.

1) A "language requirement" is under consideration for students in B.C.L. and

the National Program requiring those students to enrol in at least one of the courses offered in French at the faculty.

2) An upgrading of the number and a streaming of courses offered in French.

3) Professors would be asked to add to their case-books a French-English glossary of the more important terminology relating to the subject-matter of their courses.

The Committee welcomes the comments and participation of all interested persons in the faculty.

**Hélène Blackburn, BCL III,
au nom du Comité**

----- A CIVIL AFFAIR -----

S.F.
by Etienne Descartes

PRELIMINARY BOOK

0. A law party was held on the night and early morning of the Fourth and Fifth days of the month of October in the year One Thousand Nine Hundred and Eighty-Four, A.D., commencing at five hours and thirty minutes of the afternoon of the aforementioned Fourth day and continuing until approximately one hour of the forenoon of the Fifth day, as aforesaid.

BOOK ONE: OF THE FORMATION OF THE PARTY

1. Those versed in more than a mere common understanding of socio-political-economic-cultural-human relationships will recognize immediately that the logic of the matter requires us to examine first the formation of the party.

TITLE ONE: Of Persons

1.1 Persons are artificial or natural.

Chapter the First: Artificial Persons

1.11 The party was formed, in part, due to meaningful dialogue experienced by the "Ultramontane Committee", being a joint, artificial person of the McGill and Université de Montréal law student associations, the latter two persons being artificial persons.

Chapter the Second: Natural Persons

1.12 It would not have been possible to form the party without natural persons, also termed human beings. Natural persons have origins and dispositions.

Section One: Their Origins

1.121 The origins of the natural persons in attendance may be analyzed according to their university affiliation and social status.

Paragraph One: University Affiliation

1.1211 Natural person partygoers were from the Faculty of Law of McGill University and the Faculté de droit of l'Université de Montréal.

Sub-Paragraph A: McGill Law

1.12111 McGill University offers a unique Fractional Programme of Legal Bliss, leading to gawd knows what after four years of study.

Sub-Paragraph B: Université de Montréal Law

1.12112 L'Université de Montréal offers a unique Rational Programme of Legal Loopholes, leading to gawd knows what after three years of study.

Paragraph Two: Social Status

1.1212 Partygoers held the unique social position of student or professor.

Sub-Paragraph A: Students

1.12121 Students at the party consisted of upwardly mobile, over-achiever future world leader tycoon legal wizard humanitarian exploiter reformer well-rounded natural persons.

Sub-Paragraph B: Professors

1.12122 Professors who could be spotted at the party consisted of paragons of problem fact pattern essay comment non-multiple choice imaginary legal intellect case code natural persons.

Section Two: Their Dispositions

1.122 Pothier has written that the dispositions of the natural persons is reflected in their sex and nature.

Paragraph One: Sex

1.1221 Natural persons at the party were restricted entirely to the male or female sex.

Sub-Paragraph A: Male Natural Persons

1.12211 All male natural persons present exhibited the same tendencies toward the consumption of alcoholic beverages (see TITLE TWO, Chapter the Second, Section

Two, infra) and general merriment.

Sub-Paragraph B: Female Natural Persons

1.12212 Female natural persons present exhibited many of the characteristics exhibited by the male natural persons (see Sub-Paragraph A, supra.) Certain male natural persons present were reported to argue that there were not as many female natural persons present.

Paragraph Two: Nature

1.1222 Natural persons at the party expressed their true nature as punks or nerds. (See also TITLE TWO, chapter the Second, Section One, Paragraph Two, infra.)

Sub-Paragraph A: Of Punks

1.12221 Punk natural person partygoers present included many formerly prominent denizens of Westmount and Outremont.

Sub-Paragraph B: Of Nerds

1.12222 Nerd natural person partygoers present included the rest of the population of Westmount and Outremont.

TITLE TWO: Of Property

1.2 The authority of reason, rather than the mere reason of authority, obliges us to consider this title in terms of immoveable and moveable property.

Chapter the First: Immovables

1.21 In this chapter we will canvass the immoveables by nature and immoveables by destination associated with our party.

Cont'd from p. 2

Section One: Immoveables by Nature

1.211 There were two immovableables by nature with a close *lien de droit* to the party.

Paragraph One: The First Immoveable by Nature

1.2111 The first immovable by nature concerned the bar l'Idéfixe.

Sub-Paragraph A: Its Location

1.21111 This bar is wholly situate at 291, boul. Mont-Royal, in the judicial district of Montréal in the Province of Québec, Canada.

Sub-Paragraph B: Its Characteristics

1.21112 The bar is distinguished on the outside and the inside as being a Post-Modernist Neo-Classical Revisionist structure, with a moderately large interior designed with a view to fostering human interpersonal contact.

Paragraph Two: The Second Immoveable by Nature

1.2112 At various points during the evening, numerous groups of persons (see TITLE ONE: Of Persons, supra) adjourned the festivities to the McGill University "University Centre", known by the unwashed as the "Union".

Sub-Paragraph A: Its Location

1.21121 The McGill University "University Centre" is wholly situate at 3480, rue McTavish, in the judicial district of Montréal in the Province of Québec, Canada.

Sub-Paragraph B: Its Characteristics

1.21122 This structure is characterized by its Modernist architectural style, being bland on the outside and boring on the interior, especially in the cavernous recesses of the Ballroom, which was the principal interior headspace occupied by partygoers at this second immovable by nature.

Section Two: Immoveables by Destination

1.212 There were immoveables by destination at each of the two immoveables by nature (see Section One, supra).

Paragraph One: Immoveables by Destination at the First Immoveable by Nature

1.2121 The principal immoveables by destination at this immovable by nature were chairs and tables, being placed therein for a permanency.

Sub-Paragraph A: Chairs

1.21211 Chairs ranged from arm-rested, plastic versions to the more conventional stand-up elevated bar-stools.

Sub-Paragraph B: Tables

1.21212 Tables consisted of flat-surfaced four-legged structures covered in a genuine imitation wood-grain finished substance, including several long and elevated tables referred to in common parlance as "bars".

Paragraph Two: Immoveables by Destination at the Second Immoveable by Nature

1.2122 As in the case of the first immovable by nature, the main immoveables by destination at the second immovable by nature were chairs and tables.

Sub-Paragraph A: Chairs

1.21221 Chairs here were of the mass-produced specially designed uncomfortable plastic variety, ranging from dark blue to bright orange on the colour spectrum.

Sub-Paragraph B: Tables

1.21222 There were no tables. Had there been any, they would have been of the long, metal-legged hotel convention style. Some partygoers were heard to exclaim that there was not a "real" bar to be found in the place.

Chapter the Second: Moveables

1.22 As we are treating moveables in this chapter, our concern herein is not

their location but their characteristics.

Section One: Corporeal Moveables

1.221 It may be argued that primary among the corporeal moveables at the party were the bottles containing alcoholic beverages and the costumes worn by partygoers.

Paragraph One: Alcoholic Beverage Bottles

1.2211 This subject-matter may be studied as to beer bottles and wine bottles. It should be obvious that as the duration of alcoholic beverage bottles at either of the two immoveables by nature was destined to be short-lived, they qualify as moveables, and, being physical, as corporeal moveables.

Sub-Paragraph A: Beer Bottles

1.22111 These bottles included such styles as stubby brown, numerous tall brown examples and some tall green corporeal moveables.

Sub-Paragraph B: Wine Bottles

1.22112 In so far as these corporeal moveables are concerned, their characteristics were marked not only by their height and varying colours, but also by their capacity, being 750 ml., 1 L., 1.5 L., and, in several "cases", 4 L.

Paragraph Two: Costumes

1.2212 Problem. It has been said that punkness and nerdness is not a simple matter of decoration but is deeply rooted in the inner workings of the soul. Discuss. (Note -- see TITLE ONE, Chapter the Second, Section Two, Paragraph Two, supra).

Section Two: Incorporeal Moveables

1.222 Those who have not advanced beyond a common understanding might be tempted to maintain that alcoholic beverages, which appear to have a physical substance,

Cont'd on p. 5

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel St., Montreal H3A 1W9. Production is made possible by support of the Dean's office, the Law Students' Association, and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-Chief Pearl Eliadis
Rédacteur-en-chef

Rédactrice française Julie LaTour
French Editor

Associate Editor Rodney
Rédactrice adjointe Dangerfield

Managing Editor Demetrios Xistris
Administrateur

Features Editor Debbie
Collaboration spéciale Raicok

Staff Members Bettina Karpel,
Todd Van Vliet, Scott
Turner, Sydney Fisher,
Hartland Paterson,
Diane Brais, Arif
Currimjee, Louise
Comtois, Gertie Witte,
Véronique Marleau,
Brian Mitchell, Richard Quon
Vicky Sterling, Nina Brill

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, de l'Association des étudiants en droit ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discréction du comité de rédaction et doit indiquer l'auteur ou son origine.

LETTERS

Madam,

The first televised party-leader's debate during the recent federal election campaign canvassed the role of the legal profession in reviewing proposed judicial appointments, as a safeguard against patronage. The Globe and Mail thereafter published a letter attacking such a role on principle, and disparaging in any case the representative character of the Canadian Bar Association. Everybody knew, argued the writer, -- himself a lawyer, -- that the only reason most lawyers joined the Association was to become members of the excellent insurance plans.

Student membership in the Association (let me hasten to say) represents excellent value in terms both of the publications sent to members (notably the Canadian Bar Review) and of the opportunity for student members to meet lawyers, to learn about current legal developments, and generally to integrate themselves into the profession. The fees are very modest. I strongly recommend membership.

Membership application forms are, I believe, normally available in the L.S.A. office.

As to the C.B.A. insurance plans, I may say that I myself recently reviewed my entire insurance position, and became a member of their excellent disability income-insurance plan. While this particular plan is not, I think, available to students, it did come to my attention that students (even non-C.B.A. members) are eligible for what seems to be a first-rate term-life plan. I do not see myself as an insurance salesman, but I think I owe it to our student body to bring this opportunity to their notice.

The forms which I transmitted to you some weeks ago are now, I believe, in the L.S.A. office, but since their publication, the plan has been greatly improved.

For \$36.00, in the case of smokers, or \$30.60 (a 15 percent discount) in the case of non-smokers, student members obtain \$50,000 of term-life coverage. This runs for a year from November 30, 1984; but anyone enrolling between now and November 30th gets the extra period (nearly two months) free of charge.

Perhaps students should be reminded that by securing such insurance now they insure their own insurability, so protecting against the eventuality that health problems in later years may render them either entirely uninsurable, or insurable only at high special premiums. Insuring insurability is perhaps the main advantage for younger people in apparently good health, unless they have dependants, in which case insurance is desirable for its own sake.

To be eligible for the temporary life insurance plan, students must be under 31 years of age, and active full-time law students, or articled law students ("stagiaires"), or both. At age 31, membership in the student plan is automatically transferred to the general national plan, at the rates then in force.

Students with questions should (after obtaining a form at the L.S.A. office) contact the Quebec representative of the Canadian Bar Association Insurance Plans, Mr. Lionel Couture, whom I have found most helpful:

Lionel Couture
Lionel Couture et Associés
Ltée

Cont'd on 9

CIVIL AFFAIR

Cont'd

should be classified under corporeal moveables. However, the infinitely more refined approach of those more civil will lead to the realization that, as spirits, alcoholic beverages are incorporeal. (See Aristotle, *Metaphysics* and Montesquieu, *De l'esprit des lois*, passim.)

Paragraph One: Of Beer

1.2221 Beer was domestic and imported.

Sub-Paragraph A: Domestic Beer

1.2221 Domestic beer, including ale and pilsner or lager, varied from 4% to 6.2% spirit quotient.

Sub-Paragraph B: Imported Beer

1.22212 The imported beer comprised beer imported from places abroad as well as Canadian-brewed "imported" beer, e.g., Lowenbrau Special.

Paragraph Two: Of Wine

1.2222 Wine red and white.

Sub-Paragraph A: Red Wine

1.22221 At the beginning of the evening, many excellent vintages were available and were consumed by partygoers. Later in the proceedings, the choice became relegated to a concoction best known in well-heeled circles as "Château Platte".

Sub-Paragraph B: White Wine

1.22222 The phenomenon referred to in the previous sub-paragraph was strangely paralleled with regard to white wine. Indeed, connoisseurs at the gathering lamented the selection at the conclusion of festivities, labelling, or libeling, it "Entre deux Pou belles".

BOOK TWO: Of the Effect of the Party

2. There were numerous effects of the party in relation to persons and property.

TITLE ONE: Of Persons

2.1 Effects were visited upon those natural persons who were a party to the party and those natural persons who were third parties to the party.

Chapter the First: Persons Who Were a Party to the Party

2.11 Persons who were a party to the party were affected by comaraderie and a phenomenon known as legal lethargy.

Section One: Comaraderie

2.111 Generally, it was agreed that the experience resulted in an increased sense of joie de vivre and similar attitudes.

Section Two: Legal Lethargy

2.112 This phenomenon consisted of slowness and lack of enthusiasm in classes on the Fifth day of October of this year. It is noteworthy, however, that the phenomenon dissipated at precisely four hours of the afternoon of that day, being the exact moment of the commencement of Happy Hour at Thompson House.

Chapter the Second: Persons Who Were a Third Party to the Party

2.12 Persons who were a third party to the party (i.e. those who did not show up) were effected by missing the effects experienced by those who were a party to the party, described in the previous chapter. Prominent (though not the exclusive members) among those in this class were the large majority of McGill law professors.

TITLE TWO: Of Property

2.2 Effects of the party on property have been described according to certain sources, in commercial editions of analyses of the party. Contact Wilson & Lafleur for details.

CONCLUDING BOOK

3. A good time was had by most.

Re: Women & the Law Speaker from The Central Council for Consumers

Are you angered by ever-increasing electric, gas, and telephone rates? Is the response by utility companies to your complaints unsatisfactory? Disgruntled consumers don't lose heart! Daniel Martin Belmore of the Central Council for Consumers (C.C.C) told a recent Women and the Law meeting, that a solution is close at hand.

The C.C.C is an organization designed to deal with a plethora of social, consumer and economic problems. Along with counselling in areas such as alcoholism and child abuse, the lobby group researches the legal and economic aspects of consumer protection and appears before federal and provincial boards and commissions.

A primary focus for this consumer advocacy group is the creation of a "Citizens Utility Board" (C.U.B.) for Quebec. Based on a similar program in Wisconsin, C.U.B. would act as a lobby group representing residential consumers before regulatory agencies and government commissions on electric, gas, telephone and water issues. To this end, the proposed board would hire experts (lawyers, accountants, economists) to represent its interests. A meeting to plan to C.U.B. lobby will be held at the Council's offices at 4018 St. Catherine St. W. at 9:30 a.m., Oct. 11. All interested parties are invited.

Phi Delta Phi

Wednesday, October 24 participate in the Annual Donut Eating Contest of Phi Delta Phi. The proceeds will go to the Quebec Heart Foundation. We need sponsors and eaters. Information about the fraternity will be available at lunchtime in the Pit from Wednesday October 10 through to Friday October 12.

Michael R. Concister

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel St., Montreal H3A 1W9. Production is made possible by support of the Dean's office, the Law Students' Association, and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-Chief Rédacteur-en-chef	Pearl Eliadis
Rédactrice française French Editor	Julie LaTour
Associate Editor Rédactrice adjointe	Rodney Dangerfield
Managing Editor Administrateur	Demetrios Xistris
Features Editor Collaboration spéciale	Debbie Raicek
Staff Membres	Bettina Karpel, Todd Van Vliet, Scott Turner, Sydney Fisher, Hartland Paterson, Diane Brais, Arif Currimjee, Louise Comtois, Gertie Witte, Véronique Marleau, Brian Mitchell, Richard Quon Vicky Sterling, Nina Brill

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, de l'Association des étudiants en droit ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discréction du comité de rédaction et doit indiquer l'auteur ou son origine.

LETTERS

Madam,

The first televised party-leader's debate during the recent federal election campaign canvassed the role of the legal profession in reviewing proposed judicial appointments, as a safeguard against patronage. The Globe and Mail thereafter published a letter attacking such a role on principle, and disparaging in any case the representative character of the Canadian Bar Association. Everybody knew, argued the writer, -- himself a lawyer, -- that the only reason most lawyers joined the Association was to become members of the excellent insurance plans.

Student membership in the Association (let me hasten to say) represents excellent value in terms both of the publications sent to members (notably the Canadian Bar Review) and of the opportunity for student members to meet lawyers, to learn about current legal developments, and generally to integrate themselves into the profession. The fees are very modest. I strongly recommend membership.

Membership application forms are, I believe, normally available in the L.S.A. office.

As to the C.B.A. insurance plans, I may say that I myself recently reviewed my entire insurance position, and became a member of their excellent disability income-insurance plan. While this particular plan is not, I think, available to students, it did come to my attention that students (even non-C.B.A. members) are eligible for what seems to be a first-rate term-life plan. I do not see myself as an insurance salesman, but I think I owe it to our student body to bring this opportunity to their notice.

The forms which I transmitted to you some weeks ago are now, I believe, in the L.S.A. office, but since their publication, the plan has been greatly improved.

For \$36.00, in the case of smokers, or \$30.60 (a 15 percent discount) in the case of non-smokers, student members obtain \$50,000 of term-life coverage. This runs for a year from November 30, 1984; but anyone enrolling between now and November 30th gets the extra period (nearly two months) free of charge.

Perhaps students should be reminded that by securing such insurance now they insure their own insurability, so protecting against the eventuality that health problems in later years may render them either entirely uninsurable, or insurable only at high special premiums. Insuring insurability is perhaps the main advantage for younger people in apparently good health, unless they have dependants, in which case insurance is desirable for its own sake.

To be eligible for the temporary life insurance plan, students must be under 31 years of age, and active full-time law students, or articled law students ("stagiaires"), or both. At age 31, membership in the student plan is automatically transferred to the general national plan, at the rates then in force.

Students with questions should (after obtaining a form at the L.S.A. office) contact the Quebec representative of the Canadian Bar Association Insurance Plans, Mr. Lionel Couture, whom I have found most helpful:

Lionel Couture
Lionel Couture et Associés
Ltée

Cont'd on 9

CIVIL AFFAIR

Cont'd

should be classified under corporeal moveables. However, the infinitely more refined approach of those more civil will lead to the realization that, as spirits, alcoholic beverages are incorporeal. (See Aristotle, *Metaphysics* and Montesquieu, *De l'esprit des lois*, passim.)

Paragraph One: Of Beer

1.2221 Beer was domestic and imported.

Sub-Paragraph A: Domestic Beer

1.22211 Domestic beer, including ale and pilsner or lager, varied from 4% to 6.2% spirit quotient.

Sub-Paragraph B: Imported Beer

1.22212 The imported beer comprised beer imported from places abroad as well as Canadian-brewed "imported" beer, e.g., Lowenbrau Special.

Paragraph Two: Of Wine

1.2222 Wine red and white.

Sub-Paragraph A: Red Wine

1.22221 At the beginning of the evening, many excellent vintages were available and were consumed by partygoers. Later in the proceedings, the choice became relegated to a concoction best known in well-heeled circles as "Château Platte".

Sub-Paragraph B: White Wine

1.22222 The phenomenon referred to in the previous sub-paragraph was strangely paralleled with regard to white wine. Indeed, connoisseurs at the gathering lamented the selection at the conclusion of festivities, labelling, or libeling, it "Entre deux Pou belles".

BOOK TWO: Of the Effect of the Party

2. There were numerous effects of the party in relation to persons and property.

TITLE ONE: Of Persons

2.1 Effects were visited upon those natural persons who were a party to the party and those natural persons who were third parties to the party.

Chapter the First: Persons Who Were a Party to the Party

2.11 Persons who were a party to the party were affected by comaraderie and a phenomenon known as legal lethargy.

Section One: Comaraderie

2.111 Generally, it was agreed that the experience resulted in an increased sense of joie de vivre and similar attitudes.

Section Two: Legal Lethargy

2.112 This phenomenon consisted of slowness and lack of enthusiasm in classes on the Fifth day of October of this year. It is noteworthy, however, that the phenomenon dissipated at precisely four hours of the afternoon of that day, being the exact moment of the commencement of Happy Hour at Thompson House.

Chapter the Second: Persons Who Were a Third Party to the Party

2.12 Persons who were a third party to the party (i.e. those who did not show up) were effected by missing the effects experienced by those who were a party to the party, described in the previous chapter. Prominent (though not the exclusive members) among those in this class were the large majority of McGill law professors.

TITLE TWO: Of Property

2.2 Effects of the party on property have been described according to certain sources, in commercial editions of analyses of the party. Contact Wilson & Lafleur for details.

CONCLUDING BOOK

3. A good time was had by most.

Re: Women & the Law Speaker from The Central Council for Consumers

Are you angered by ever-increasing electric, gas, and telephone rates? Is the response by utility companies to your complaints unsatisfactory? Disgruntled consumers don't lose heart! Daniel Martin Belmire of the Central Council for Consumers (C.C.C) told a recent Women and the Law meeting, that a solution is close at hand.

The C.C.C is an organization designed to deal with a plethora of social, consumer and economic problems. Along with counselling in areas such as alcoholism and child abuse, the lobby group researches the legal and economic aspects of consumer protection and appears before federal and provincial boards and commissions.

A primary focus for this consumer advocacy group is the creation of a "Citizens Utility Board" (C.U.B.) for Quebec. Based on a similar program in Wisconsin, C.U.B. would act as a lobby group representing residential consumers before regulatory agencies and government commissions on electric, gas, telephone and water issues. To this end, the proposed board would hire experts (lawyers, accountants, economists) to represent its interests. A meeting to plan to C.U.B. lobby will be held at the Council's offices at 4018 St. Catherine St. W. at 9:30 a.m., Oct. 11. All interested parties are invited.

Phi Delta Phi

Wednesday, October 24 participate in the Annual Donut Eating Contest of Phi Delta Phi. The proceeds will go to the Quebec Heart Foundation. We need sponsors and eaters. Information about the fraternity will be available at lunchtime in the Pit from Wednesday October 10 through to Friday October 12.

Michael R. Concister

Developments in Immigration Law

by Philip Petraglia

Recently, attorney Gary Bergman spoke on immigration law in Canada as part of a series of lectures organized by McGill Legal Aid.

The lecture was basically a review of Canada's Immigration Act and its practical implications. Bergman emphasized the complicated nature of Canada's Immigration Act, stating that it probably made more sense to bureaucrats than to many lawyers.

Bergman explained that Canada's current immigration policy favors skilled workers and applicants from developed western nations. The unskilled refugees face a more difficult task. Their luck often depends on who they know in Canada. Loopholes do exist. But they can result in long delays which politically persecuted refugees cannot afford.

In effect, an applicant's success depends on the discretion wielded by immigration officials. Since most decisions rendered by the officials are not subject to appeal, immigrant status is attained by reaching a certain number of "points", by fulfilling criteria which Bergman outlined.

Canada's Immigration Act divides aliens into four groups. These are: students, visitors, workers, and immigrants seeking to become Canadian citizens. Visas are issued for each category with a set time limit. The trick here is to either renew before the expiration date, or somehow to work one's way from one category to another.

The right to visit is literally that. The definition here is "tourist" or visiting

with either friends or relatives. In other words, one must have a reason for wanting to enter Canada even if it is simply to visit the nation's natural or physical splendours. Problems arise when the date has expired and the traveller still finds himself in Canada. If caught he faces deportation consequences as severe as limitations on future rights to enter Canada. It is interesting to note that Americans do not need visiting visas but must return to the United States before six months, even if it is only for one day. They can then return for another six months. Visitors from Commonwealth countries need only a passport to enter.

A student visa is issued to those seeking to pursue a full-time program at a recognized institution. However, the student must have his own means of financial support. This means that this student is not permitted to work in Canada.

Receiving a work visa is not only difficult but once issued, its term are restrictive. Not only is it temporally limited, but the individual is also deprived the luxury of periodically switching jobs. Considering the high rate of unemployment, foreigners cannot, at least in theory, take a job that a Canadian can fulfill. Canada Manpower decides on the capability of Canadian citizens. The prospective employer must inform Canada Manpower of his intention to hire a foreigner. He must, for his part, not only show that he made a concerted effort to find a Canadian but that he was unable to do so. Not surprisingly, Canada Manpower holds a tremendous amount of discretion in the final decision-making

Cont'd on p. 8

LAWYERS

Cont'd from p. 1

publishing bulletins for clients and prospective clients on changes in the law, hoping that this service will attract new business. Another law firm recently held a large cocktail party for hundreds of clients and potential clients, in the hope of wooing new customers. Some of the techniques being used are on the borderline of what is sanctioned by provincial law societies.

Young lawyers trying to establish a firm are finding that they have to hustle to attract customers as the number of lawyers in Canada increases annually. One Toronto lawyer, who has been practising only two years, was recently given a warning by the Law Society of Upper Canada after he had run advertisements in local newspapers setting out his legal services under the heading: "Hiring a lawyer need not be expensive!" The advertisement went on to say: "Phone for a quotation on fees -- no obligation -- price lists available". The Law Society maintained that such advertising violated its rules designed to prevent members from promoting themselves in an evidently commercial way. In this case the Society dropped the matter in exchange for the lawyer's promise to withdraw the advertisement. But two other Ontario lawyers have taken up the matter and have launched court challenges to the Society's rules, claiming that the rules contravene the Charter of Rights and Freedoms.

A fourth indicator of a possible over-supply of lawyers appears in the heightened competition for legal business coming both from within and from without the legal profession. Some have

Cont'd on p. 9

THE FUTURE LIES IN SILK

by Terry Pether

As a student new to Chancellor Day Hall, I still feel somewhat lost among the lofty corridors of legal education, and the situation is frighteningly abetted by the propensity among my colleagues to distinguish between law school and the real world. I recently paid a visit to a Montreal law firm to secure, on behalf of all first year students, an idea of what the real world demands.

I spoke to a young lawyer who graduated from McGill in 1979 with a B.C.L. At the outset of our conversation, Bruce confirmed my worst fears -- marks count a lot! An impressive transcript is your invitation to interviews with the best firms.

Interviews are the means by which prospective employers assess your interpersonal skills which are essential to the practice of law. Questions include "Why did you choose to apply to our firm?" and "What particular subjects did you enjoy in law school?" You will also be quizzed as to any interests you may have beyond collecting bookmarks and burning the midnight oil. Employers want to be assured that you complemented your legal education with activities that allowed you to develop motivation, enthusiasm, and a level of maturity in dealing with challenges.

While successful completion of the National Programme is an asset for those who wish to enter fields of public law, McGill provides a sufficient smattering of courses in each of the LL.B. and B.C.L. programmes for work in private practice. However, it is quite convenient to conduct business over the phone to Toronto with lawyers who are familiar with the Civil Code.

Regardless of which route you choose to follow, he encourages all students to accumulate a broad base of courses. Only experience in the real world will reveal your speciality.

Since early September, we have been told that many of us will proceed to professions outside the legal sphere. Nonetheless, Bruce praises McGill for the priority it gives to academically oriented training. Hindsight has taught Bruce that theories and hypotheticals heard in first year become realities later on. Legal practice is full of grey areas, and McGill offers an effective balance of principles and casework so that problem solving is made easier by knowing not only how the law ought to work, but how it actually applies.

If Bruce has any criticism, it is that there is not much emphasis on procedural aspects of law practice, such as the rules of court for example. But, he admits, these are things which are easily acquired on the job.

While McGill is highly successful in preparing students for the practice of law, it does not, believes Bruce, arouse many to explore the law against any conceptual backdrop. People come into law school with their ideas of how society works, they collect a few tools, and off they go to tinker. Those who undertake to destroy the structures came to McGill with their own notions intact. In other words, says Bruce, do not look to McGill to produce critical legal scholars.

x

I asked Bruce if women graduates encountered more obstacles than men. He works in a young firm where several partners are women and where there are no traces of inequality. Even so, he concedes, some of the more established firms may restrict a woman's workload because they cannot accept that, for example, she may possess the characteristics essential for labour relations. Such discrimination will however be alleviated soon enough as new lawyers transfer their values from the law school to the workplace.

All of us, women and men, will start at the bottom as gophers, researchers, and the like. Most firms will allow you the opportunity to article in many legal fields, but if you find your forte immediately, you may be specializing early in your career. Bruce cautions against specializing too soon. It is important to have an idea of what everybody in the firm is doing. You are best equipped if you can achieve a general picture of the case and work from there.

Never forget common sense. There is a tendency among law students to discard a certain approach to a case because it seems simplistic. Bruce finds intuition can often be relied on, except, he warns, when you are dealing with English property law.

When you begin to article, (as Bruce did at \$21,000 a year) you feel as though you were still in law school, attacking problems with a check-list mentality. In due time, however, you become adept at knowing what to expect in your cases. Combined with the confidence you develop permits you to move ahead at your own pace. You

Having been assured that McGill provides a promising entry into the real world, I wanted to learn what I would face once I arrived. Keeping my female colleagues in mind,

Cont'd on p. 10

**Association Québécoise
Pour l'Etude Comparative
du Droit**

L'Association québécoise pour l'étude comparative du droit
-- et --
le Centre de recherche en droit privé et comparé du Québec
ont le plaisir de vous inviter à une conférence de

Monsieur le Recteur
Jacques Béguin

Professeur à l'Université de Paris I (Panthéon-Sorbonne),
Ancien Recteur de l'Académie de Strasbourg, Professeur invité à la faculté de droit de l'Université McGill

intitulée:

"Le Développement de la Lex Mercatoria menace-t-il l'ordre juridique international?"

La conférence aura lieu le vendredi, 12 octobre 1984, à 17h30, au Faculty Club de l'Université McGill, 3450, rue McTavish. Elle sera suivie d'une réception à 18h30.

Veuillez avoir l'obligeance d'indiquer votre intention d'assister à cette conférence sur le feuillet, que vous trouverez au S.A.O., et l'expédier avant le 11 octobre 1984.

Paul-A. Crépeau
Président du l'Association
Directeur de Centre

Madeleine Cantin Cumyn
Secrétaire-trésorier
de l'Association

P.S. L'Association tiendra, à cette occasion, son assemblée générale annuelle.

Pour devenir membre de l'Association, prière de faire parvenir la cotisation (\$10) au Secrétaire-trésorier.

Sports Notice

Law Hockey Notice

Get your skates out of the closet, the ice hockey season is starting up. The men's teams will be holding practices on Friday, October 12 at 10:00 p.m. and Tuesday, October 16 at 8:45 p.m. The women's team will be holding a practice on Wednesday, October 10 at 8:45 p.m. All practices are being held at the winter stadium located behind Molson Stadium. All law students wanting to play ice hockey are welcome.

Nick Vlahos

Developments

Cont'd from p. 6

process.

The key stumbling block for all of these categories is that an applicant must have permission to fall under one of these four categories before entering Canada. One cannot apply for status after arriving in Canada unless one is an illegal refugee, in which case new considerations come into focus. Also, such statuses are acquired in Canadian Embassies or Consulates, though these need not necessarily be in the applicant's own country.

While the subject is an important one, few law faculties in Canada offer courses on Immigration Law. Further information can be obtained by contacting McGill Legal Aid (basement floor of the Union Building) and asking for permission to listen to a taped version of the lecture.

Thank You to Clinic Staff

The directors of MCLAL want to express their sincere appreciation to all those staff members who attended the lectures given by Mes. Bergman, Kushnir and Hussey.

Cont'd

Your participation made the lectures a success, and will make it possible to continue this program in future years.

Women and the Law Women's Centennial Presents

**Theme Weekend
World Visions: Women, Education and Change.**

October 12 & 13, 1984

Opening Address: "The Status of Women: an International Perspective"

Speaker: Helvi Sipila, General Secretary, United Nations International Women's Year.

Opening Remarks: The Honourable Judy Erola.

Time: Oct. 12, 1984, 7:30 pm

Place: Leacock Building
Room 132

A reception follows (cash bar)

Panel Discussion

"Women in Canada, from Bustle to Spacesuit -- What Next?"

Panelists: Laura Sabia, women's rights advocate; Marie-Josée Drouin, economist; Simonne Chartrand, author and trade unionist; Margaret Fulton, president of Mount Saint Vincent University.

Time: October 13, 1984,

2:00-4:30 p.m.

Place: Leacock Building, Room 26.

Women and the Law Present:

**Chantalle Schmidt
from**

**RANK & FILE
(Au bas de l'échelle)**

Thursday, October 11, 12:00 p.m. in Room 204. A Montreal organization for working women: Organizing around problems met by minimum wage workers, household workers, office workers...

LAWYERS

Cont'd from p. 6

argued that the surplus of lawyers has spurred the spread of low-cost legal clinics operating in accessible storefront offices and department stores across Canada. These firms offer basic "off-the-rack" services at a flat fee. Thus the public can expect to pay lower fees to legal clinics which undertake straightforward tasks such as drawing up wills, handling uncontested divorces, and litigating small, personal injury cases.

In addition, the increased willingness of large companies, including banks and insurance firms, to use in-house lawyers is creating greater competition for lawyers in private practice. Some companies contend that in-house legal counsel can do their work more efficiently and less expensively than could lawyers practising independently.

In a recent study, Charles Fried, a Harvard Law professor, examined three large American companies that had recently shifted their legal work in-house, mainly in reaction to the high and increasing costs of obtaining outside legal counsel. Fried found that not only had all of the companies saved a substantive amount in legal fees, but that they had lost nothing in the quality of the legal product. He concluded that the product was, if anything, better adapted to their needs.

A fifth factor that fuels the perception that there are too many lawyers lies in the fact that in recent years, growth in earnings for partners and proprietors has been lower than the increase in inflation. According to a survey by U.S.-based consultants, the median earnings of partners and proprietors in Canadian law firms rose by

20 per cent between 1979 and 1981, compared with an inflationary increase of 24 per cent.

Revenue Canada's tax statistics for 1980 show that over the last decade lawyers' salaries have suffered in comparison with those of other professions. A comparison reveals that among doctors, dentists, lawyers and accountants, lawyers' incomes have grown at the slowest rate. From 1970 to 1980 average income of dentists leaped 143 per cent; physicians' incomes increased by 79 per cent; accountants' incomes rose by 76 per cent; lawyers incomes advanced by 72 per cent.

More than ever before, the notion that lawyers are professional and thus immune from the concerns of the market-place is rapidly losing credence. Increased competitive pressures are having an adverse affect of the employment opportunities of young lawyers, the quality of legal services, and the growth of incomes within the profession. The problem, surely, is not that there are too many people trained in law, but rather that there are too many law graduates who have chosen to pursue a career in private practice.

The question remains: What options are available to reduce the number of legal practitioners? The Special Committee on Numbers saw the solution in terms of limiting the numbers entering the profession. But it was unable to come to an agreement of the best approach to implement its recommendation. Among the possibilities put forward, the Committee proposed to raise the passing grade on the Bar Admission Examination. A second method it suggested was to introduce an entrance examination to the Bar Admission course, imposing an acceptance level based on an estimate of the market's needs two years down the road.

The Law Society of Upper

Canada rejected these two options. The general consensus was that it is unfair to restrict entry to the Bar Admission Course or to making passing more difficult after a student has finished an undergraduate degree, the LL.B. course, and a year of articling. Instead, the Society resolved to pursue reductions in the number of students entering law schools. This decision puts pressure on university law faculties, which, under present rules, will lose needed operating funds if their enrollment is cut. To avoid this problem, one proposal under discussion at the Ontario Ministry of Education involved permitting a decline in law-school enrollment, without making a similar cut in funding. This proposal is presently being put into practice at the law faculty at Windsor, for example. Windsor Law School accepted 208 students into its first year class in 1975; it is now accepting 135 students annually, and by arrangement with the university, there will be no decrease in funding of the law faculty.

Despite the fact that a law school that agrees to reduce its enrollment may not suffer a direct financial loss, it is submitted that adopting the proposal to restrict the number of first year entrants to law faculties across Canada would be a step in the wrong direction.

Even if the proposal is generally adopted, it will still be difficult, if not impossible, to know at what figure the future number of lawyers should be set.

Cont'd from p. 4

150 Minerve,
Repentigny, Québec
Canada J6A 6L5
Tel.: (514) 582-0080

I do very much hope that many students will find this information useful.

Stephen A. Scott

Class Pictures

Students in BCL/LLB IV

For our graduation picture this year we are going to make a "composite". It will consist of pictures of each graduating student put together as a montage. The price is \$19.95.

Proofs for the composite must be taken at VanDyck Studios, 1121 Ste. Catherine St. W. (corner of Stanley). The deadline for getting the proofs is October 31, 1984. If you are getting proofs for Old McGill, there is no extra charge for your composite proofs, but tell the photographer to keep a proof for the composite. If you are only getting proofs for the composite, you will have to pay for the composite when the proofs are taken. If you have any questions please do not hesitate to contact me.

Jill Hugessen

BUDGET 1984

Announcement

The LSA Council will hold its budget meetings during the evening of October 16th and 17th. We urge all groups who had made funding requests to make a presentation on budget night. An Agenda and schedule of presentations will be posted in the near future.

L'AED tiendra ses réunions concernant le budget les 16 et 17 octobre en soirée. Tous les groupes qui ont fait des demandes de fonds sont priés de faire une présentation au cours de cette réunion. Un agenda et un horaire des présentations seront affichés très bientôt.

Observations

by Scott Turner

Do you every wake up in the morning knowing that it's just not going to be worth it? You drag yourself out of bed anyway, scratch your scalp and survey the dregs and cigarette butts from last night's bout with Property. Then you stumble to the kitchen to discover that your heartless roommate has forgotten to activate the percolator: so you settle for instant, but haven't the patience to let the water boil. It tastes, even with a massive dose of sugar, like recycled toothpaste. Meanwhile your roommate has emerged from the shower, creating a suicidal slick on the floor, and he blithely asks "Why didn't you make coffee?"

"Make your own fucking coffee," you reply through a mouthful of stale branflakes and burnt bagel, as you trudge off towards the bathroom, only to find that the morning's ablutions will have indefinitely to be postponed, because your roommate's girlfriend is now up and having her shower: so you muffle a groan and philosophically slam all the drawers of your filing cabinet, upending the geranium and sending case-books flying.

Then you sift through various piles of not very clean clothes in the hope of finding a shirt that doesn't smell as though you've worn it for a week -- even though you have. You toss a few books and things into your bag, vaguely wondering if they're the ones you'll need for the day, but not really caring one way or the other, as you head for the elevator wearing two different socks and a grudge against humanity; but you thrust back

thoughts of revenge to the back of your mind and vow to think positively for the rest of the day as you leave the building and head up the hill: without your keys, a pen, or your wallet...

Fortunately, this never happens to me. I'm always cheerful as hell in the morning. Just ask my roommate...

SILK

Cont'd from p. 7

receive yearly evaluations, general pay increases, and increases based on merit. Bruce insists that you always have a sense of how your employer feels about you. If you are not a partner in four to seven years, start worrying as you have not worried since your law school days. You will then discover that the difference between law school and real life is not so pronounced after all.

One last thing. I asked Bruce if there were any surprises. "Yeah. I didn't know silk ties were so expensive".

Library Hours

Library hours will be extended in order to accomodate the students writing their factums. The hours will be extended as follows:

Tuesday, Oct. 9 to Thursday, Oct. 11: One hour until 11:45 p.m.

Friday, Oct. 12: one hour until 10:45 p.m.

Saturday, Oct. 13: no change: 10:00 a.m. to 6:00 p.m.

Sunday, Oct. 14: three hours from 10:00 a.m. to 12:00 noon and from 6:00 to 7:00 p.m.

Monday, Oct. 15: one hour until 11:45 p.m.